

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION

This document relates to:

All Cases Noted on Attached Appendix

MDL No. 2804

Case No. 1:17-md-2804

JUDGE DAN AARON POLSTER

**STIPULATION OF DISMISSAL WITH PREJUDICE
PURSUANT TO NEW MEXICO SETTLEMENT AGREEMENT**

The undersigned Parties (the “Parties”) have settled the above-referenced litigation against The Kroger Co. pursuant to the Kroger New Mexico Settlement Agreement, executed on November 23, 2022, in which Plaintiffs – the New Mexico subdivisions listed in Appendix A – have elected to participate. Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), Plaintiffs and Defendants The Kroger Co. agree that all claims of Plaintiffs in the actions identified in Appendix A against The Kroger Co. are dismissed with prejudice, with each party to bear its own costs.

Dated March 30, 2023

Respectfully submitted,

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SO ORDERED this ___ day of April, 2023.

Hon. Dan Aaron Polster
United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that on March 30, 2023, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system. Copies will be served upon counsel of record by, and may be obtained through, the Court CM/ECF system.

/s/Peter J. Mougey

Peter J. Mougey

APPENDIX A

| <u>Subdivision</u> | <u>State</u> | <u>Signed With Permission</u> | <u>Jurisdiction</u> | <u>Docket Number</u> |
|--------------------|--------------|--|---------------------|----------------------|
| Bernalillo County | NM | Levin, Papantonio, Rafferty, Proctor, Buchanan, O'Brien, Barr and Mougey, P.A. | NDOH | 1:19-op-45301 |
| Colfax County | NM | Simmons Hanly Conroy/Crueger Dickinson | NDOH | 1:21-op-45055 |
| Eddy County | NM | Simmons Hanly Conroy/Crueger Dickinson | NDOH | 1:22-op-45015 |
| Española City | NM | Levin, Papantonio, Rafferty, Proctor, Buchanan, O'Brien, Barr and Mougey, P.A. | NDOH | 1:19-op-46142 |
| Luna County | NM | Simmons Hanly Conroy/Crueger Dickinson | NDOH | 1:21-op-45056 |
| San Juan County | NM | Simmons Hanly Conroy/Crueger Dickinson | NDOH | 1:18-op-45829 |
| Santa Fe County | NM | Simmons Hanly Conroy/Crueger Dickinson | NDOH | 1:18-op-45776 |
| Socorro County | NM | Levin, Papantonio, Rafferty, Proctor, Buchanan, O'Brien, Barr and Mougey, P.A. | NDOH | 1:19-op-45323 |
| Torrance County | NM | Simmons Hanly Conroy/Crueger Dickinson | NDOH | 1:22-op-45004 |
| Union County | NM | Simmons Hanly Conroy/Crueger Dickinson | NDOH | 1:21-op-45057 |
| Valencia County | NM | Levin, Papantonio, Rafferty, Proctor, Buchanan, O'Brien, Barr and Mougey, P.A. | NDOH | 1:19-op-45324 |